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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,945	01/29/2002	Shinya Taniguchi	111828	3595
25944	7590	07/19/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/057,945	<b>Applicant(s)</b> TANIGUCHI ET AL.	
	<b>Examiner</b> Naghmeh Mehrpour	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-19 is/are rejected.
- 7) ☒ Claim(s) 8 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 1-7, 9, 11-19**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al. (US Patent 6,493,757 B1).

Regarding **claims 1, 13**, Sakai teaches a data output system/method for establishing a connection between an output terminal for outputting data and a position management terminal for generating terminal position information for specifying the position of a terminal on the basis of a communication state between the terminal and a base station so that the data output system can communicate with the output terminal and the position management terminal, and for outputting data requested, by a user of the terminal, to be output using the output terminal (col 7 lines 53-67, col 8 lines 1-26, col 12 lines 18-65),

wherein the terminal position information is obtained from the position management terminal (col 8 lines 6-39, col 12 lines 18-65); and

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data output control of the output terminal is performed on the basis of the positional relationship between the terminal position specified by the obtained terminal position information and the output terminal position specified by output terminal position information for specifying the position of the output terminal (col 8 lines 10-53, col 12 lines 10-65). Sakai fails to teach that the terminal is a mobile terminal. However, the Examiner takes official notice that using a mobile instead of a terminal is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to combine the above teaching with Sakai, in order provide a wireless system that enable the user to be mobile, and move around while using the system.

Regarding **claims 2, 14**, Sakai teaches a data output system/method for establishing a connection between an output terminal for outputting data and an output control terminal for performing data output control of the output terminal so that they can communicate with each other, for establishing a connection between the output control terminal and a position management terminal for generating terminal position information for specifying the position of a terminal on the basis of a communication state between the terminal and a base station so that they can communicate with each other, and for outputting data requested, by a user of the terminal, to be output using the output terminal (col 8 lines 1-26, col 12 lines 18-65), wherein the output control terminal includes:

storage means for storing output terminal position information for specifying the position of the output terminal (col 9 lines 5-65, col 12 lines 15-58); and

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position information obtaining means for obtaining the terminal position information from the position management terminal (col 9 lines 5-65, col 12 lines 52-65); the data output control of the output terminal being performed on the basis of the positional relationship between the terminal position specified by the terminal position information obtained by the position information obtaining means and the output terminal position specified by the output terminal position information in the storage means (shop list table) (col 9 lines 4-67, col 10 lines 35-65, col 12 lines 52-65). Sakai fails to teach that the terminal is a mobile terminal. However, the Examiner takes official notice that using a mobile instead of a terminal is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to combine the above teaching with Sakai, in order provide a wireless system that enable the user to be mobile, and move around while using the system.

Regarding **claims 3, 15**, Sakai teaches a data output system/method wherein the output control terminal transmits a data output request to the output terminal when the terminal position is within a predetermined range on the basis of the output terminal position (col 9 lines 65-67, col 10 lines 1-45, col 13 lines 27-62). Sakai fails to teach that the terminal is a mobile terminal. However, the Examiner takes official notice that using a mobile instead of a terminal is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to combine the above teaching with Sakai, in order provide a wireless system that enable the user to be mobile, and move around while using the system.

Regarding **claims 4, 16**, Sakai teaches a data output system/method wherein the output control terminal/user transmits a data output request to the output terminal when the terminal position is within a predetermined range on the basis of the output terminal position, and when a predetermined period of time has passed since the terminal position became within the predetermined range (col 13 lines 27-62), When output terminal transmits a data output request when is with predetermined rang, reads on is in the predetermined range in a predetermined time (col 10 64-67, col 11 lines 1-45, col 13 lines 25-67).

Regarding **claims 5, 17**, Sakai teaches a data output system/method wherein the data output system establishes a connection between the output control terminal and the terminal so that they can communicate with each other (col 11 lines 45-63); the output control terminal includes control command storage means for storing a specific control command for controlling a specific function of the output terminal (col 12 lines 1-50); when the terminal position is within a predetermined range on the basis of the output terminal position, the output control terminal transmits a list from which the specific control command is selectable to the terminal , and when the output control terminal receives the selection of the specific control command the output control terminal transmits the specific control command in the control command storage means to the output terminal (col 5 lines 1-48, col 13 lines 27-62).

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Sakai fails to teach that the terminal is a mobile terminal. However, the Examiner takes official notice that using a mobile instead of a terminal is well known in the art.

Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to combine the above teaching with Sakai, in order provide a wireless system that enable the user to be mobile, and move around while using the system.

Regarding **claims 6, 18**, Sakai teaches a data output system/method wherein the output control terminal transmits the list from which the specific control command is selectable to the terminal when the distance between the output terminal position and the terminal position is less than or equal to a predetermined value (col 11 lines 45-67, col 12 lines 10-18). Sakai fails to teach that the terminal is a mobile terminal. However, the Examiner takes official notice that using a mobile instead of a terminal is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to combine the above teaching with Sakai, in order provide a wireless system that enable the user to be mobile, and move around while using the system.

Regarding **claims 7, 19**, Sakai teaches a data output system/method wherein, when the output control terminal receives a registration request for registering the output terminal from the terminal, the output control terminal transmits a transmission request for transmitting the control command list to the output terminal corresponding to the registration request (col 13 lines 27-62),

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when the output control terminal receives the control command list in response to the transmission of the transmission request, the output control terminal registers the terminal position information obtained by the position information obtaining means as the output terminal position information in the storage means, and registers the received control command list in the control command storage means so that the control command list corresponds to the output terminal position information, and when the output terminal receives the transmission request for transmitting the control command list, the output terminal transmits the control command list including the specific control command to the output control terminal (col 12 lines 1-65, col 13 lines 10-67, col 14 lines 1-40). Sakai fails to teach that the terminal is a mobile terminal. However, the Examiner takes official notice that using a mobile instead of a terminal is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to combine the above teaching with Sakai, in order provide a wireless system that enable the user to be mobile, and move around while using the system.

Regarding **claim 9**, Sakai teaches a data output system wherein the output terminal is a printer (col 7 lines 52-60).

Regarding **claim 11**, Sakai teaches an output control terminal for establishing a connection between a position management terminal and an output terminal in a data



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output system so as to communicate with the position management terminal and the output terminal comprising:

storage means for storing output terminal position information for specifying the

position of the output terminal (col 4 lines 57-67, col 12 lines 52-58); and

position information obtaining means for obtaining terminal position

information from the position management terminal (col 12 lines 12-18);

wherein data output control of the output terminal is performed on the basis of the positional relationship between the terminal position specified by the terminal position information obtained by the position information obtaining means and the output terminal position specified by the output terminal position information in the storage means (col 12 lines 52-58). Sakai fails to teach that the terminal is a mobile terminal. However, the Examiner takes official notice that using a mobile instead of a terminal is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to combine the above teaching with Sakai, in order provide a wireless system that enable the user to be mobile, and move around while using the system.

Regarding **claim 12**, Sakai teaches a program to be applied to output control terminal, which is made up of the computer, the program making a computer execute processing in which data output control performed on the basis of the positional relationship between the terminal position specified by the terminal position information obtained by the position information obtaining means and the output terminal position specified by

the output terminal position information in the storage means (col 4 lines 57-67, col 12 lines 52-65). Sakai fails to teach that the terminal is a mobile terminal. However, the Examiner takes official notice that using a mobile instead of a terminal is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to combine the above teaching with Sakai, in order provide a wireless system that enable the user to be mobile, and move around while using the system.

***Allowable Subject Matter***

2. **Claims 8, 20**, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. **Claim 10**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (US Publication 2001/0046067 A1) in view of Asthana et al. ( US Publication 2004/0185877 A1).

Regarding claim 10, Sakai fails to teach a data output system wherein the output terminal is a projector. However Asthana teaches a data output system wherein the output terminal is a projector (page 12 section 0109). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to combine the above teaching of Asthana with Sakai, in order to provide flexibility in the types and quantities of user data items that are pushed from the host system for communication.

### ***Response to Arguments***

4. Applicant's arguments filed 4/34/07 have been fully considered but they are not persuasive.

In response to the applicant's arguments that first....the output device is different that mobile.

The examiner asserts that it is a basic concept of the cellular system that any mobile phone, shows the lat, and long of the position, therefore, the applicant's argument is not valid.

In response to the applicant's arguments that second....Sakai does not depend on the communication between base station and mobile!

The examiner asserts that does not matter what Sakai depend on again it is a basic concept of the cellular system that any mobile phone communicates with base station.

In response to applicant's argument regarding third section, that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

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1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Sakai fails to teach that the terminal is a mobile terminal. However, the Examiner takes official notice that using a mobile instead of a terminal is well known in the art. Therefore, by combining the above teaching with Sakai, providing a wireless system that enable the user to be mobile, and move around while using the system.

In response to the applicant's arguments that "How GPS would have made it obvious to modify by Sakai....

The examiner asserts that all the applicant's argument shows that applicant's does not have any knowledge of the basic digital/analog wireless communication systems.

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**6. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

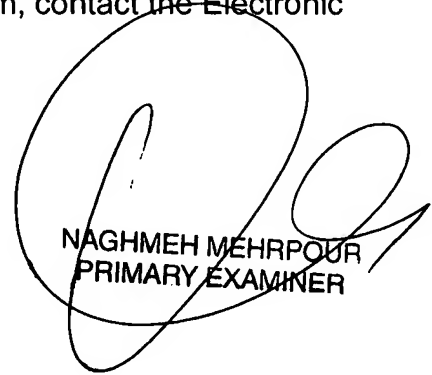
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah be reached (571) 272-7904.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

July 16, 2007



NAGHMEH MEHRPOUR  
PRIMARY EXAMINER